

TCEQ Docket No. 2007-0395-SLG

In the Matter of the Application of  
Gustavo Hernandez Ortega  
For Registration No. 701896

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Before the 07 APR 23 PM 4:57  
Texas Commission On  
Environmental Quality CLERKS OFFICE

**Executive Director's Response to Motions to Overturn the Issuance of Registration No. 710896 to Gustavo Hernandez Ortega to Land Apply Domestic Septage**

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to the Motions to Overturn (MTOs) the Executive Director's decision to issue registration no. 701896 to Gustavo Hernandez Ortega (Applicant) for land application of domestic septage. In excess of 350 timely MTOs were filed (see attached mailing list). A few requestors failed to supply a mailing address or supplied an incomplete mailing address and were not mailed copies of this response. Attached for Commission consideration is the Executive Director's Response to Comment (RTC).

**I. GENERAL BACKGROUND**

The Applicant has applied to TCEQ for a new registration that will authorize the land application of domestic septage on 40 acres of land. The land application area is owned by the Applicant. No discharge of pollutants into water in the state is authorized by this registration. The proposed site is located on a private road south of County Road 3209, approximately 3,500 feet southeast of the intersection of Farm-to-Market Road (FM) 513 and County Road 3209 and approximately 5.2 miles north of the intersection of FM 513 and U.S. Highway 69 in Hunt County, Texas.

**II. PROCEDURAL BACKGROUND**

The application for a new registration was received on February 27, 2006 and declared administratively complete on March 30, 2006. The Notice of Receipt of an Application and Declaration of Administrative Completeness along with a copy of the application for registration was mailed on April 6, 2006 and made available for viewing at the Hunt County Judge's Office. A decision was made to hold a public meeting and The Notice of Public Meeting was published in the *Herald Banner* on July 29, 2006. A public meeting was held on August 29, 2006 in Greenville, Texas and the public comment period ended at the close of the public meeting. The ED made a final decision on the registration after consideration of public comments and consideration of whether the Applicant met all statutory, regulatory, and permitting requirements. The Applicant's registration was mailed on March 13, 2007.

**III. SUBSTANTIVE ISSUES RAISED BY THE MOVANTS**

The following are substantive issues raised in the MTOs that presented information not considered by the Executive Director during the comment period and addressed in the RTC (See Attachment A).

**1. Whether the application rate of 68,077 gallons per acre per year (gallons/acre/year) in the registration is correct.**

The registration application initially submitted by the Applicant included an incorrect land application rate due to advice received from an intern working for the Executive Director regarding how to calculate the rate. This error was caught during review of the registration application and the land application rate was changed to the correct rate of 63,077 gallons/acre/year. However, due to a typographical error in the management plan the registration was inadvertently issued with the higher land application rate of 68,077 gallons/acre/year.

Based on this information, the Executive Director agrees the application rate in the registration is incorrect and recommends the Commission grant the MTOs on that basis and remand the registration to the Executive Director for correction.

**2. Whether the registration application was reviewed by a TCEQ agronomist prior to the registration being issued.**

The domestic septage registration application Appendix A requires calculation of the septage application rate based upon the amount of nitrate in the soil profile. A domestic septage registration does not require an agronomist to perform an analysis for nutrients contained in the septage to arrive at a beneficial land application rate. Therefore, an agronomist does not need to calculate the limiting nutrient criteria contained in the septage.

**3. Whether the soil samples taken should be re-taken because of their age.**

According to the Citizens Opposed to Registration Dumps (CORD), there is precedent for the Commission requiring new samples and reapplication in cases where the application rate is wrong and/or soil samples are more than one year old. TCEQ registration application requirements state that soil samples for nutrients and metals may not be taken more than one year prior to the date the application is submitted to TCEQ. In this instance the registration application was submitted on February 27, 2006 and the soil samples were taken on August 19, 2005, which meets the application requirements.

**4. Whether there are unaccounted for water wells on the land application site.**

The Applicant does not list any water wells on site and the TCEQ reviewing geologist did not find any records of additional water wells located within a one-mile radius of the proposed land application site. An adjacent landowner identified a possible well site on the proposed land application site. Pictures of the areas show broken pieces of concrete. No positive determination was made that the area of broken concrete was the actual site of a well, but the area will be buffered by 150 feet from any septage application as if it were an existing private water supply well. The proposed site was inspected prior to the public meeting by Shane Isbell, a TCEQ Regional Inspector and he found no evidence of any other water wells.

**5. Whether the RTC adequately addressed the concern of Bermuda grass propagation under potentially high pH (greater than 8.0) conditions.**

Response #1 of the RTC states that the pH of domestic septage must be raised to 12.0 and that the Applicant intended to meet that burden by pre-treating the septage with bagged hydrated lime at a rate of 20 lbs. per 1,000 gallons, or 70 lbs. per load, to raise the pH level of the septage to 12.0 or higher prior to land application. A higher pH encourages pathogen inactivation and die-off. In addition, the Applicant is required to maintain records that demonstrate these conditions are met for each load of domestic septage at this site for five years, as required by 30 TAC § 312.47(b). There was no explanation or additional information in the MTOs why this response did not adequately address the concern. Additionally, previous domestic land application sites growing Bermuda grass have not shown a high pH value to be a limiting factor for growth.

**6. Whether there was consideration given to land reclamation and restoration cost (surety bonds) should the Applicant default and abandon the site.**

30 TAC, Chapter 312 contains closure requirements and financial provisions relating to the disposal of sewage sludge, but these sections do not apply to a registration to land apply domestic septage. Thus, there are no TCEQ regulations of this type that apply to a domestic septage registration.

**7. Whether TCEQ has dismissed or discounted responsibilities that the Texas Legislature gave to the Sabine River Authority (SRA).**

The SRA letter dated May 2, 2006 states that a site such as this that is located in a sensitive water supply reservoir watershed needs to be particularly restrictive in establishing site specific requirements. SRA requested TCEQ consider adopting more stringent requirements than the standard requirements to assure the protection of public health and the environment. In response to public comment, the Executive Director required a more stringent Agronomic Management Plan that the Applicant must follow. The plan outlines the management of the Bermuda grass prior to land application and after the grass is established. Additionally, the plan provides that the septage be completely incorporated into the soil profile and requires a soil cover during conditions when the cover vegetation is dormant, or when the Applicant is attempting to establish cover vegetation. The plan is more stringent than 30 TAC, Chapter 312 rules because it does not give the Applicant the option to reduce buffer zones to surface water if the septage is incorporated into the soil profile as allowed by the rules. The site acreage was decreased from 45.3 acres to 40 acres to incorporate the buffer zone requirements outlined in the Agronomic Management Plan. Therefore, the Executive Director did not ignore or discount the concerns of SRA regarding this application, but attempted to address their concerns through a more stringent registration.

**8. Whether there are currently other viable sources for disposal of septage in Hunt County, including the wastewater treatment facility owned and operated by the City of Greenville.**

The Applicant for a registration is not required to seek alternative methods of disposal as a prerequisite for obtaining a registration to land apply domestic septage from TCEQ. Currently, the Applicant has a contract with the City of Greenville to dispose of waste into their wastewater system. The Applicant is not required to inform the Executive Director on whether the parties to the contract have terminated that contract or have decided to extend it.

**9. Other Issues.**

Other issues raised by the MTOs were addressed in the Executive Director's RTC or were simply new comments without any additional information or evidence not considered by the Executive Director prior to filing the RTC (See Attachment A).

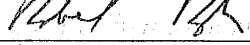
**V. EXECUTIVE DIRECTOR'S RECOMMENDATION**

The Executive Director respectfully recommends that the Commission grant the Motions to Overturn and remand the registration to the Executive Director so he may correct the typographical error in the application rate.

Texas Commission on Environmental Quality

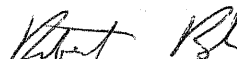
Glenn Shankle  
Executive Director

Robert Martinez, Director  
Environmental Law Division

by   
Robert D. Brush, Staff Attorney  
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State Bar No. 00788772

### **CERTIFICATE OF SERVICE**

I certify that on April 23, 2007, the original and 11 copies of the Executive Director's Response to Motions to Overturn on the Executive Director's Approval of Domestic Septage Registration No. 710896 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and mailed or faxed to all persons on the attached mailing list, except those without complete addresses.



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Robert D. Brush, Staff Attorney  
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23. Bowman, Bennie and JoAnn, 104 FM 1567, Lone Oak, TX 75453
24. Brignon, Pennie, 5093 FM 2947, Greenville, TX 75402
25. Briney, Walt and Teresa, 100 FM 513 S, Lone Oak, TX 75453
26. Brooks, Linda, 3211 CR 3110, Greenville, TX 75402
27. Brown, Cyristal, 1218 Medera, Terrell, TX 75160
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147. Kilpatrick, Darrell, 2124 CR 3210, Lone Oak, TX 75453
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154. Larkin, Dorothy, 4323 CR 3220, Lone Oak, TX 75453
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161. Lowry, Amos 1671 CR 3304, Greenville, TX 75402
162. Lucas, Benita, 3269 CR 3552, Greenville, TX 75402
163. Luhn II, Martin R, 5403 CR 3208, Lone Oak, TX 75453
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170. Martin, Cassie, 1083 CR 4460, Point, TX 75472
171. Martin, Jean and Phillip, 2891 CR 3303, Greenville, TX 75402
172. Martin, Lena A, 2528 Hunt CR 1077, Farmersville, TX 75422

- 173. Maxwell, Carolyn, 6002 Stonewell, Greenville, TX 75402
- 174. May, Karen, 2465 CR 3118, Campbell, TX 75422
- 175. Mayo, L C and Peggy, 213 Friendship Cr., West Tawakoni 75474
- 176. McDowell, David, 2121 FM 513m Campbell, TX 75422
- 177. McDowell, Duke and Patty, 2121 FM 513, Campbell, TX 75422
- 178. McGee, Anna, 2808 CR 3210, Lone Oak, TX 75453
- 179. McGee, Josie and Jerry McGee, 2929 CR 3116, Campbell, TX 75422
- 180. McKenzie, Wanda, 1214 E I-30, Greenville, TX 75402
- 181. McKinney, Marcus and Quida, Canvas Back, Greenville, TX 75402
- 182. Meek, E L and Fanchon, 1929 Mamie Road, Greenville, TX 75402
- 183. Meeks, Danny, 3519 FM 513 S, Lone Oak, TX 75453
- 184. Merworth, Chris, 3260 CR 3213, Lone Oak, TX 75453
- 185. Merworth, Elizabeth, 4534 CR 3416, Lone Oak, TX 75453
- 186. Miller, Dorothy, 3581 CR 3216, Lone Oak, TX 75453
- 187. Miller, John and Sue Miller, 1655 CR 1121, Farmersville, TX 75442
- 188. Milton, Johnny, 3606 FM 513 South, Lone Oak, TX 75453
- 189. Moats, Gary, 3648 FM 513 S, Lone Oak, TX 75453
- 190. Monshower, Ron and Carol, 5200 Keller Springs, Dallas, TX 75428
- 191. Moore, Charles H. and Betty Jo, 5942 CR 3214 Lone Oak, TX 75453
- 192. Morgan, Freida, 6904 Gold St, Greenville, TX 75402
- 193. Morgan, Gail, 420 CR 3101, Greenville, TX 75402
- 194. Morgan, June, P O Box 424, Greenville, TX 75403
- 195. Morgan, Nell, 3765 CR 2214, Caddo Mills, TX 75135
- 196. Morgan, Ronnie, 7785 Cochise, Lone Oak, TX 75453
- 197. Morris, Joe and Barbara, 638 CR 3106, Campbell, TX 75422
- 198. Morton, Frieda, 5588 CR 3110, Campbell, TX 75422
- 199. Moseley, Walter F, P O Box 153, Point, TX 75472
- 200. Mouton, Linda, 2308 CR 2526, Quinlan, TX 75474
- 201. Mullis, James, 3864 Highland Drive, Greenville, TX 75402
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- 203. Munger, Kay, 1521 CR 3327, Greenville, TX 75402
- 204. Murphy, Monty and Lori, 6828 CR 3208, Lone Oak, TX 75453
- 205. Murphy, Raymond, 501 Ermine Drive, Greenville, TX 75402
- 206. Myers, Jon, 2317 Taylor St, Commerce, TX 75429
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- 208. Nicoll, Lois, 6071 CR 3201, Lone Oak, TX 75453
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- 217. Patterson, James, 260 FM 36 South, Caddo Mills, TX 75135
- 218. Payne, Linda, 4729 CR 3117, Campbell, TX 75422

- 219. Penna , Francisco Garcia, 5597 CR 3209 Campbell, TX 75422
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- 227. Presti, Jon and Diva Presti, 5505 CR 3208, Lone Oak, TX 75453
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- 229. Propes, Tanya, 210 Duffey, Emory, TX 75440
- 230. Pruitt, Lynda, 441 Industrial, Point, TX 75472
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- 235. Renner, Brittany, 3348 FM 2649, Lone Oak, TX 75453
- 236. Renold, Foster and Katherine, 444 CR 1895, Yantis, TX 75497
- 237. Reynolds, Bettilee, 3707 CR 3110, Campbell, TX 75422
- 238. Rhein, Charlotte, 6941 FM 2947, Greenville, TX 75402
- 239. Richards, Howard, 2801 Charity Rd #2, Commerce, TX 75428
- 240. Richardson, Barbara, 580 S 1<sup>st</sup> Commerce, TX 75428
- 241. Riddle, Carolyn, 3645 CR 3116, Lone Oak, TX 75453
- 242. Riley, Phyllis, 6005 CR 3210, Lone Oak, TX 75453
- 243. Roberts, Ronnie, 1882 CR 3308, Greenville, TX 75402
- 244. Robinson, Wilson, 2559 CR 3306, Greenville, TX 75402
- 245. Rosebure, Deborah, 917 Shoreline Drive, West Tawakoni, TX 75474
- 246. Sallmans, Michelle, 511 Katy St, Lone Oak, TX 75453
- 247. Sanchez, Stephanie, 5700 Industrial #4202, Greenville, TX 75401
- 248. Sanders, Debbie, 5620 FM 2947, Greenville, TX 75402
- 249. Sandlin, Harold and Anna, 4009 CR 3323, Greenville, TX 75402
- 250. Sandlin, Heather, 960 S 1<sup>st</sup>, Point, TX 75472
- 251. Saunders, Jim and Georganna, 130 RS CR 1633, Greenville, TX 75402
- 252. Scalf, Troy A, 7081 Simmons Drive, Lone Oak, TX 75453
- 253. Scott, Curtis, 614 Beaver Pl., Greenville, TX 75402
- 254. Seay, Barbara, P O Box 6331, Lone Oak, TX 75453
- 255. Selter, Jerry, 312 Furlong Drive, Greenville, TX 75402
- 256. Sexton, Paul, 9658 Bus Hwy 34 S, Quinlan, TX 75474
- 257. Shepherd, Grady and Rita, 1288 Mamie Road, Greenville, TX 75402
- 258. Shiflet, Elada, 213 Friendship Circle #65, West Tawakoni 75474
- 259. Shiflet, Melvin and Debbie, 125 Friendship Circle, West Tawakoni 75474
- 260. Singh, JaSwant, 5004 N FM 17, Lone Oak, TX 75453
- 261. Slatter, Nelda, 2422 E Hwy 69, Emory, TX 75440
- 262. Smiley, Nita, 3234 PR 3550, Greenville, TX 75402
- 263. Smith, Charlene, 4002 FM 513 Lone Oak, TX 75453
- 264. Smith, Cullen, 7727 Lois Drive, Quinlan, TX 75474

- 265. Smith, David, 11483 Hwy 345, Quinlan, TX 75474
- 266. Smith, Gilley, 1864 CR 3123, Greenville, TX 75402
- 267. Smith, J. Allen, 3333 Lee Parkway 8<sup>th</sup> Floor, Dallas, TX 75219
- 268. Smith, Martin, 213 Friendship Circle 41, West Tawakoni 75474
- 269. Smith, Mickie, P O Box 43, 4904 CR 3403, Lone Oak, TX 75453
- 270. Snider, L H, 3897 CR 3216, Lone Oak, TX 75453
- 271. Snyder, Rick, 9803 Hunters Run St, Greenville, TX 75402
- 272. Souther, Betty and Clyde, 213 Friendship Circle, West Tawakoni 75474
- 273. Spradling, Glenn and Leslie, 2004 FM 513 S, Campbell, TX 75422
- 274. Spradling, Tommy, 6204 Live Oak Street, Greenville, TX 75402
- 275. Stacy, Robert and Judith Stacy, 1268 Mamie Road, Greenville, TX 75402
- 276. Standifer, Brenda, 4802 CR 3519, Greenville, TX 75402
- 277. Stark, Jim and Janet, 1867 FM 513 S, Lone Oak, TX 75453
- 278. Steadman, Judy, 507 E Oak, Commerce, TX 75428
- 279. Stephens, Cathy, 2404 Kentz Circle, Greenville, TX 75402
- 280. Stevens, Helen, P O Box 8062, Greenville, TX 75404
- 281. Stewart, Bobby, P O Box 266, Lone Oak, TX 75453
- 282. Stokes, Candance, 6822 CR 3223, Lone Oak, TX 75453
- 283. Stover, Robin, 4898 FM 513 S, Lone Oak, TX 75453
- 284. Stripling, Kenneth, 332 Squirebrook, DeSoto, TX 75115
- 285. Suggs, Carolyn, FM 2649, Lone Oak, TX 75453
- 286. Suggs, Crystal, FM 2649, Lone Oak, TX 75453
- 287. Sunrow, Jenifer, 2121 FM 513, Campbell, TX 75422
- 288. Sweet, Jeri, 3107 Eastland, Greenville, TX 75402
- 289. Tanton, Valorie, 801 Sundance Drive, Quinlan, TX 75474
- 290. Tarrant, Dennis and Claudia, 1836 Mamie Road, Greenville, TX 75402
- 291. Taylor, Anna, 111 Magnolia, Lone Oak, TX 75453
- 292. Taylor, Cindi, 1683 CR 4204, Campbell, TX 75422
- 293. Thomas, Marilyn, P O Box 1183, Emory, TX 75440
- 294. Thompson, Jennifer, 1124 RS CR 3330, Emory, TX 75440
- 295. Thompson, Linda, 676 CR 3101, Greenville, TX 75402
- 296. Tice, Dell, 4223 Running Bear, Lone Oak, TX 75453
- 297. Torres, Jacalyn and Mario Torres, 2287 FM 3132 Klondike, TX 75448
- 298. Trevathan, Diann, P O Box 2278, Quinlan, TX 75474
- 299. Tucker, Sandra, 607 Gladys, Lone Oak, TX 75453
- 300. Tumlinson, Amy, 2520 Hillcrest, Greenville, TX 75402
- 301. Turk, Sue, 1707 Auburn Drive, Richardson, TX 75081
- 302. Turner, Cara, 3564 RCR 1525, Lone Oak, TX 75453
- 303. Turner, Raymond, 1949 Mamie Road, Greenville, TX 75402
- 304. Turrentine, Bobbie, 241 HCR 1009, Wolfe City, TX 75496
- 305. Upchurch, Gena, 720 Mays Lane, West Tawakoni 75474
- 306. Vance, John and Mary Vance, 1403 Mamie Road, Greenville, TX 75402
- 307. Vance, John C. and Carmen, 1403 Mamie Road, Greenville, TX 75402
- 308. Vandagriff, Cordell, 1948 PR 3344, Greenville, TX 75402
- 309. Vincent, J C and Cheryl, 1604 Hollow Way Lane, Quinlan, TX 75474
- 310. Voegele, Scott, 2508 FM 513 S, Lone Oak, TX 75453

311. Waligura, E S and Joyce, 4615 CR 3133, Lone Oak, TX 75453
312. Walker, Harold and Helen, 213-48 Friendship Circle, West Tawakoni  
75474
313. Walker, Joe, 5000 Joe Ramsey, Greenville, TX 75401
314. Wallace, Mary, 4160 FM 5135, Lone Oak, TX 75453
315. Walther, Marjorie, 902 S Patterson, Campbell, TX 75422
316. Ward, Jerry and Jannis, 2661 FM 513 S, Lone Oak, TX 75453
317. Warren, Trey, 501 CR 3101, Greenville, TX 75402
318. Waters, Patricia, 640 RCR 2510, Emory, TX 75440
319. Watson, Herman, 7747 Cochise, Lone Oak, TX 75453
320. Watson, Jeannette and Charles, 4168 Broken Bow, Lone Oak, TX 75453
321. Watson, Sandra, 4230 Geronimo, Lone Oak, TX 75453
322. Weaver, Missi, 3813 King St, Greenville, TX 75401
323. Weber, Emily, 4701 Sayle St, Greenville, TX 75401
324. Weihrich, Carroll, 6605 FM 514 Point, TX 75472
325. Weisert, Brad, 482 Hwy 17 N, Lone Oak, TX 75453
326. West, Dorothy, 2605 Ridge Oak Place, Garland, TX 75044
327. Westbrook, Mark, 503 College St, Lone Oak, TX 75453
328. White, Bert, 3104 Eastland, Greenville, TX 75402
329. White, Sherrie, 390 PR 5451, Point, TX 75472
330. Whitehead, Elizabeth and James, 5721 CR 3214, Lone Oak, TX 75453
331. Wilhite, Sharon, 2821 FM 2737, Lone Oak, TX 75453
332. Williams, Douglas, 2445 CR 3118, Campbell, TX 75422
333. Williams, Geneva, 384 CR 3101, Greenville, TX 75402
334. Williams, Herb and Linda, 1354 Mamie Road, Greenville, TX 75402
335. Williams, Otis, P O Box 314, Lone Oak, TX 75453
336. Wilson, Charles and Sally, 3168 CR 3210, Lone Oak, TX 75453
337. Wilson, Suzanne, 45 Steamboat Shore, Emory, TX 75440
338. Winans, Howard, 1307 Steeplechase Lane, Greenville, TX 75402
339. Wineinger, Marietta, 1808 Mamie Road, Greenville, TX 75402
340. Winniford, Joe D, 523 Turtle CR, Greenville, TX 75402
341. Wirt, Thomas, 2417 FM 5135, Campbell, TX 75422
342. Witt, Tracy and Thomas, 2429 FM 5135, Campbell, TX 75422
343. Witty, Robert and Mary, 2409 CR 3210 Campbell, TX 75422
344. Woehleke, W P and Melissa, 1023 CR 3310, Greenville, TX 75402
345. Wolfe, Rose, 4821 CR 3133, Lone Oak, TX 75453
346. Wood, Doris, 25002 Terry Place, Greenville, TX 75402
347. Wood, Melvin, 213 Friendship Circle, West Tawakoni 75474
348. Woodall, Doyle, 3304 Austin Ave, Greenville, TX 75402
349. Worley, Fred and Sue, 3848 RS CR 1150, Emory, TX 75440
350. Wright, Carlos and Ramona, 1578 Mamie Road, Greenville, TX 75402
351. Wurzbach, Shawn, 15510 Quorum, Addison, TX 75001
352. York, Gail, 4217 Park, Greenville, TX 75401
353. Zetterberg, Dick and Keli, 2511 CR 3118, Greenville, TX 75402

## ATTACHMENT



TCEQ PROPOSED REGISTRATION NO. 710896

APPLICATION BY	§	BEFORE THE
GUSTAVO HERNANDEZ ORTEGA	§	TEXAS COMMISSION ON
REGISTRATION NO. 710896	§	ENVIRONMENTAL QUALITY

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EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

(FILED 2/16/07)

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The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application of Gustavo Hernandez Ortega (Applicant) for Registration No. 710896. The Office of Chief Clerk received timely comment letters or oral formal comments at the public meeting from the following persons:

**Public Officials and Public Entities:** The Commissioners Court of Hunt County, Texas State Senator Robert F. Deuell, M.D. (Senate District 2), State Representative Dan Flynn (House District 2), Hunt County Commissioner Phillip Martin, and the Sabine River Authority. **Groups:** The Mamie Road Neighborhood Watch and Prairie Valley Baptist Church. **Members of the general public:** Jeri Stephens Aikens, Michele Arguello, Jose Arguello, Betty and Donald Atkins, Joyce Bailey, Crystal Barcheers, Timothy E. Barcheers, Monte Barrow, Frances Black, Serena Booth, Carolyn Bowen, Sigrid Bowles, Don L. Bowles, Lisa Brannon, Lisa M. Brehm, Pennie Brignon, Kathleen Brown, Jan Burks, Arlen S. Butler, Jan Dooley Byrd, Kenneth Byrd, Robert Byrd, Steve Bryd, Sandra C. Clark, Samuel Coats, Gennie Colbert, John Cole, Linda Cole, Pat Coley, Charles and Patricia Conine, James L. Coody, Tom Crowther, Gayla Ann Cummings, Steven A. Cummings, Betty J. Davies, Kelli B. Davies, Mark Davies, Geraldine M. Deppe, William S. Deppe, Ann Dial, Larry J. Dick, Ann Dooley, Ben and Mary Dooley, Dora Dooley, J.B. Dooley, John and Jana

Dooley, Liz Dooley, Margaret Dooley, Marva J. Dooley, Penny Dooley, Ray Dooley, Terry L. Dooley, Rudy D. Douglas, Janiece Douglas, Tula Douglas, William and Elinor Dunnik, Betty Eakin, H.B. and Sandra Earle, Sulane Fannin, Phyllis Fink, Jodi Fry, Paul Fry, Jeanette Garcia, Geraldine Geppe, Frank M. Gill, Dolores N. Gill, Danita Graham, Thomas L. Green, Dortha L. Green, Becky Goodwin, Lisa Hart, Clay Hodges, Michael Hoffman, Richard and Mary Hogue, John Horn, Anna Houchin, Randy Hullum, Gail Johnson, James and Patricia Johnson, Katie Jones, Shane Jones, Darrell B. Kilpatrick, Bill Kirby, Renee Krause, Howard Kweiler, M.D., Janetta Lane, Dorothy A. Larkin, Carl J. Lee, Jesse and Patricia Leutwyler, Jimmie Ann Litchfield, Addelle Luhn, Beth Luhn, Jason Luhn, Sue Luhn, John and Arlene Marin, Carolyn Maxwell, Adele and William E. McCarron, Ronald McCurry, Anna McGee, Mrs. Josie McGee, Roy O. McGee, John McNally, W? H. McQueen, Linda Miles, Jason Mitchell, Jimmy D. Mitchell, Abbie Moore, Andrew Moore, Nell Morgan, Robin Morgan, Frieda Morton, Mary Moats, Jeff Mundrake, Monty and Lori Murphy, Lois A. Nicoll, Robert D. Nicoll, Brian Padgett, Francisco Garcia Penna, Jernon Pippin, Tony Pippin, Vernon Pippin, Bart Presti, D.D.S., Doug Presti, Jennifer Presti, Jon and Diva Presti, Kelly Presti, Paul Presti, Rosali Presti, Courtney Preuit, Kate Renshaw, Donna and Andy Robinson, Bonny Ross, Grady Shepherd, James Skinner, Janis Skinner, Sharon Skinner, Romy Smith, Julie Smith, Herbert Smith, Douglas and Sandy Speed, Tommy Spradling, Janet Stark, Jim Stark, H.C. and Jo Starkweather, Patricia Stewart, Chad L. Stroud, Dennis Stroud, Kevin N. Stroud, David and Vanessa Sumrall, Cody Thornton, Mr. and Mrs. Billy Waddle, Charles K. Watson, B.A. Weil, Barbara Wiggins, Douglas E. Williams, Melba C. Williams, Charles Wilson, Charles and Michelle Wilson, Sally Wilson, Tom and Paula Witt, Mary Witt, Ronnie and Lacy Witt, Tracy Witt, Phyllis Zink, and Lisa Zdunek.

If you need more information about this registration application or the registration process, you may call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can also be found at our website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

## BACKGROUND

### Description of Facility

The Applicant has applied to TCEQ for a new registration that will authorize the land application of domestic septage at a rate of 68,077 gallons per acre per year on 40 acres of land. The land application area is owned by the Applicant. No discharge of pollutants into water in the state is authorized by this registration. The proposed site is located on a private road south of County Road 3209, approximately 3,500 feet southeast of the intersection of Farm-to-Market Road (FM) 513 and County Road 3209 and approximately 5.2 miles north of the intersection of FM 513 and U.S. Highway 69 in Hunt County, Texas.

### Procedural Background

The application for a new registration was received on February 27, 2006 and declared administratively complete on March 30, 2006. The Notice of Receipt of an Application and Declaration of Administrative Completeness along with a copy of the application for registration was mailed on April 6, 2006 and made available for viewing at the Hunt County Judge's Office. A decision was made to hold a public meeting and The Notice of Public Meeting was published in the *Herald Banner* on July 29, 2006. A public meeting was held on August 29, 2006 in Greenville, Texas and the public comment period ended at the close of the public meeting.

## COMMENTS AND RESPONSES

### COMMENT 1:

There were concerns that this type of land application poses potential health issues, for example, from air-borne diseases carried by flies and mosquitoes, to humans and wildlife. Many were concerned with the health issues of land applying "raw sewage."

### RESPONSE 1:

The Applicant is not allowed to land apply raw sewage. Only properly digested and stabilized domestic septage that meets requirements to significantly reduce pathogens is approved for land application. The registration only allows the land application of domestic septage, which is defined in 30 TAC § 312.8(26) as:

Either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap.

The Applicant is required to treat septage intended for beneficial land use to reduce its attraction for vectors, such as flies and mosquitoes. This limits the potential for transmitting diseases and odor. 30 TAC, Chapter 312 has specific requirements for reducing vector attraction. 30 TAC § 312.83(a)(4) allows for reducing vector attraction when domestic septage is applied in the manner proposed by the Applicant. The alternatives, found in § 321.83(b)(9), (10), and (12) are:

1. Sewage sludge must be injected below the surface of the land. No significant amount of the sewage sludge may be present on the land surface within one hour after the sewage sludge is injected. If the sewage sludge injected below the surface is Class A with respect to pathogens, as described in §312.82 (relating to Pathogen Reduction), the sewage sludge must be injected below surface within eight hours after the sewage sludge completes the pathogen treatment process;
2. Sewage sludge applied to the land surface or placed on a surface disposal site must be incorporated into the soil within six hours after application or placement on land. If the

sewage sludge is Class A with respect to pathogens, as described in § 312.82 of this title (relating to Pathogen Reduction), the sewage sludge must be applied to or placed on the land within eight hours after the sewage sludge completes the pathogen treatment process; or

3. The pH of domestic septage must be raised to 12 or higher by alkali addition and, without the addition of more alkali, must remain at 12 or higher for 30 minutes.

As shown in the application and in correspondence received August 25, 2006, the Applicant intends to meet this requirement by choosing option #3. The Applicant will pre-treat the septage with bagged hydrated lime at a rate of 20 lbs. per 1,000 gallons, or 70 lbs. per load, to raise the pH level of the septage to 12.0 or higher prior to land application. A higher pH encourages pathogen inactivation and die-off. In addition, records that demonstrate these conditions are met for each load of domestic septage must be maintained at this site for five years, as required by 30 TAC § 312.47(b). The registration also requires a thorough description in the Annual Report on how the Applicant is meeting the pathogen and vector attraction requirements.

**COMMENT 2:**

There were many concerns about the potential contamination of groundwater and surface water resources.

**RESPONSE 2:**

The registration does not authorize discharge of waste into water in the state. To prevent run-off beyond the active application area, the Applicant will be required to apply septage uniformly and at agronomic rates over the surface of the land. Additionally, the Applicant will not be allowed to land apply to areas where permeable surface soils are less than 2 feet thick or to any areas having a slope in excess of 8%. Also, the Applicant may not land apply during rainstorms or during periods when surface soils are water-saturated.

Other requirements include not allowing the land application of septage at rates greater than the annual application rate and having the Applicant follow an Agronomic Management Plan. The plan requires the Applicant to completely incorporate the septage into the soil profile when land applying. Once the septage is incorporated, the soil cover will be seeded with common Bermuda grass. This area will not receive any additional septage application until all available land in the application area has received one septage application with common Bermuda grass seeding, or common Bermuda is established, and achieves a greater than a 90% ground coverage.

The Applicant is also required to have soil cover during conditions when the cover vegetation is dormant or when the Applicant is attempting to establish cover vegetation. The soil cover is designed to minimize any potential septage runoff from the site. If runoff from the active application area occurs, the Applicant must cease further septage application until the condition is corrected. The Applicant also must prevent septage debris from leaving the site.

The Texas Water Development Board (TWDB) Water Information Integration & Dissemination web site and the TCEQ water well drilling reports were reviewed by a TCEQ Geologist to identify water wells in the area. At the public meeting on August 29, 2006, a land owner was identified that had a water well north of the proposed application area and up gradient of the application site. The water from that well is produced from the Navarro Group, which is 100 to 150 feet below the surface. The application area is located on the Kincaid Formation, which overlies the Navarro group. The shallow sub-surface clays in the Kincaid Formation possess low permeable values and these subsurface confining layers provide protection from direct recharge from the surface to the Navarro Group.

The Applicant does not list any water wells on site and the TCEQ reviewing geologist did not find any records of additional water wells located within a one-mile radius of the proposed land application site. An adjacent landowner identified a possible well site on the proposed permitted site. Pictures of the areas show broken pieces of concrete. No positive determination was made that the area of broken concrete was the actual site of a well, but the area will be buffered by 150 feet from any septage application as if it were an existing private water supply well. The proposed site

was inspected prior to the public meeting by a TCEQ Regional Inspector and the inspector found no evidence of any other water wells.

The area produces groundwater from the Nacatoch Aquifer. The Nacatoch Aquifer is designated as a minor aquifer by the TWDB. The aquifer dips further below the surface as it travels towards the east. Two miles west of the proposed land application area groundwater is produced from approximately 150 feet below the surface. Two miles to the east of the proposed land application area groundwater is found from 764 to 942 feet below the surface. At the proposed land application site, it is expected that groundwater from the Nacatoch Aquifer is found approximately 400 feet below the surface.

Well drilling reports indicated confining sediment layers between the surface and groundwater producing intervals. The shallow sub-surface clays possess low permeable values. The surface clays and subsurface confining layers were determined to provide protection from direct recharge to the groundwater producing intervals 400 feet beneath the proposed application area.

The registration also includes buffer zone requirements that restrict how close a land application area may be located to water bodies to minimize the potential of contaminating water supplies. TCEQ rules at 30 TAC § 312.44(c) require the following separation from application areas:

1. Surface water- 200 feet if sludge not incorporated into soil and 33 feet if soil is incorporated into soil.
2. Private water supply well - 150 feet
3. Public water supply well, public water supply spring or similar source, public water supply treatment plant, or public water supply elevated or ground storage tank - 500 feet
4. Solution channel, sinkhole, or other conduit to groundwater - 200 feet
5. Irrigation conveyance canal - 10 feet
6. Property boundary and public right-of-way - 50 feet

**COMMENT 3:**

There were concerns regarding noise and congestion from increased truck traffic due to this operation. There were also concerns that the trucks servicing the operation would create noise issues and damage surrounding roads.

**RESPONSE 3:**

The Texas Legislature has not authorized TCEQ to consider traffic or road issues when considering whether to issue a registration for the land application of domestic sludge. However, on the issue of traffic, the number of loads will depend on the volume of water in the septage being applied and the size of the trucks. The Applicant is not required to land apply at consistent times throughout the year, so there could be considerably more loads/traffic on some days than on others. Traffic issues that occur at the site, such as excessive dust, are the responsibility of the Applicant (See 30 TAC, Chapter 101, General Air Quality Rules). Traffic noise from vehicles on public roads is covered by local ordinances and the traffic laws of the state, and are not under the jurisdiction of TCEQ.

**COMMENT 4:**

There were concerns about odor and the prevailing winds at the proposed site.

**RESPONSE 4:**

TCEQ has established management requirements for odor control at land application sites and these provisions are incorporated into the registration. In addition, the registration does not allow the Applicant to maintain or create nuisance odor conditions. 30 TAC § 312.44(j) requires the Applicant to operate the land application site to prevent public health nuisances. The Applicant must also prevent wind or rain from causing the removal of sewage sludge debris off of the land application area or into surface water in the state. Also, 30 TAC § 312.44(c)(2), which includes buffer restrictions to help minimize any off-site odor problems, prohibits the Applicant from land applying closer than 750 feet to an established school, institution, business, or occupied residential structure; or closer than 50 feet to a public right-of-way or property boundary.

If members of the public experience nuisance odor conditions from the application area, they may contact the TCEQ Dallas-Fort Worth Regional Office at (817) 588-5800 or by calling the toll free 24-hour complaint hotline at 888-777-3186. Citizens may also file complaints on-line at <http://www.tceq.state.tx.us/compliance/complaints/>. Regional investigators will respond to complaints on a case-by-case basis and if a violation of TCEQ regulations or the registration is documented, then appropriate action will be taken, which may include referral for an enforcement action.

Also, as noted in Response #2, the Applicant must follow an Agronomic Management Plan, which requires complete incorporation of septage into the soil and a soil cover during conditions when the cover vegetation is dormant, or when the Applicant is attempting to establish cover vegetation. In addition, the registration does not limit the ability to seek legal remedies regarding any potential nuisance, or other causes of action in response to activities that may result in injury to human health or property, or that interfere with the normal use and enjoyment of property.

**COMMENT 5:**

There were concerns about who will be held accountable for the domestic septage being placed on this land application site.

**RESPONSE 5:**

The state holds all operators accountable for meeting the conditions in their TCEQ authorizations and for following applicable state rules and regulations. TCEQ field inspectors conduct periodic site inspections to determine whether an applicant is meeting its regulatory requirements.

The Applicant must also assist TCEQ in monitoring compliance with specific conditions by submitting an annual report documenting certain activities. The TCEQ Land Application Team reviews the annual report to ensure that the Applicant is meeting the pathogen and vector attraction requirements, and to ensure that the Applicant is not land applying in excess of the agronomic rate. If the annual report shows that requirements are not being met, the Applicant is subject to enforcement action. The annual report must include the following information:

1. Total number of acres where septage applications occurred;
2. Date and time of each septage application;
3. The annual nitrogen requirement for each crop or the vegetation grown at the site.
4. Rate of septage application (gallons/acre/year);
5. A description of how the pathogen requirements in 30 TAC § 312.82(c)(1) and (2) were met;
6. A description of how the vector attraction requirements in 30 TAC § 312.83(b)(9), (10) or (12) were met; and
7. The results of soil sampling required by the registration.

**COMMENT 6:**

There were concerns that the land application of domestic septage will not be beneficial to the land and whether the soil would support the proposed land application. There were also concerns that excess nitrogen will lead to an increase in aquatic plant growth. Some commenters stated that Bermuda grass (the proposed cover crop) will not grow under the existing climatic conditions in Hunt County. Some commenters noted that the Applicant's Agronomic Management Plan does not mention the availability of water for growing Bermuda grass, nor does it mention when the Applicant plans to cease land applying to allow harvesting.

**RESPONSE 6:**

The rules governing the registration define "beneficial use" as the placement of treated domestic septage onto land in a manner that complies with the requirements of 30 TAC, Chapter 312, Subchapter B (relating to Land Application for Beneficial Use and Storage at Beneficial Use Sites), and does not exceed the agronomic rate for a cover crop, or exceed any metal or toxic constituent limitations of the cover crop. Land applying treated domestic septage at a rate below the optimal agronomic rate is considered a beneficial use. The Applicant is not allowed to land apply septage in excess of the maximum septage application rate based on crop nitrogen needs (i.e., the agronomic rate). The agronomic rate is calculated based on the total amount of nitrogen in the land applied

septage, the amount of nitrogen in the soils at the application site, and the nitrogen requirements of the proposed crop.

TCEQ's Water Quality Assessments Team evaluated the proposed crop of Bermuda grass and the necessary management practices were incorporated into the registration in order to minimize septage nuisance odors and to help prevent septage runoff from the site. As determined by the review and as previously discussed, the Applicant will have to follow an Agronomic Management Plan (See Response #2).

**COMMENT 7:**

There were questions raised about the information provided in the registration application. Items mentioned in the application as causes of concern were:

1. Applicant's wife is not listed as one of the landowners;
2. There appears to be a different name on the soil sampling chain-of-custody;
3. The Applicant provided only one soil sample and there are two soil classes at the site;
4. There is no clear description of the methods to raise the pH to 12.0 standard units;  
and
5. The application doesn't state how pathogens will be controlled.

**RESPONSE 7:**

During review of the application, TCEQ's Administrative Review and Processing Team ensures that all information submitted in the administrative portion of the application is complete, accurate, and meets the requirements in 30 TAC, Chapter 312.

During technical review of the registration application, all technical items in the application, pages 1 through 6, are reviewed by TCEQ's Land Application Team and the Water Quality Assessment Team. The registration application is checked to ensure completion and clarity. If there are incomplete items or items in need of clarification in the registration application, then additional information is requested from the Applicant.

During the review process for this application, the Applicant was asked to provide a revised United States Geological Survey Map showing all planned buffer zones and clarification of the Applicant's ability to meet the pathogen and vector attraction reduction requirements.<sup>1</sup> The Applicant also was required to recalculate the annual application rate based on the nitrogen requirements of Bermuda grass per gallons per acre per year. Additionally, the Applicant submitted a fertilizer recommendation to achieve the yield goal for the intended crop and provided a Natural Resource Conservation Service soils legend corresponding to the soils map that was submitted with the application.

The Applicant submitted one composite sample for each soil depth per 80 acres and per uniform soil type (soils with the same characteristics and texture) within the 80 acres. Composite samples are comprised of 10-15 random sample cores taken from each of the following depth zones: 0-6 inches and 6-24 inches. The soil types on the 40 acre site are Wilson and Lufkin-Rader soils, which are loamy soils and that have the same characteristics and texture.<sup>2</sup> Therefore, the Applicant was only required to include with the registration application one composite sample per depth and this requirement was met.

Additionally, the Applicant provided information regarding how it will meet the pathogen reduction requirement by applying lime to the domestic septage to raise the pH to 12.0 or higher (See Response #1).

#### **COMMENT 8:**

There were concerns about the possibility of decreased land values for land in close proximity to the proposed land application area. There were also comments about how the site would affect the area's quality of life and how it would have a negative economic impact on the area.

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<sup>1</sup> This item in the application only requires the Applicant to check that he will meet the pathogen and vector reduction requirements prior to land application of domestic septage. It does not require an Applicant to provide the specific methods for reduction prior to obtaining authorization.

<sup>2</sup> These types of soil are loamy, deep, nearly level, moderately well drained and somewhat poorly well-drained soil.

**RESPONSE 8:**

TCEQ is tasked by the Texas Legislature with protecting environmental quality in the state. The ED does not consider property values, the marketability of adjacent property, or economic development in determining whether to issue a water quality permit or registration.

**COMMENT 9:**

It was requested that TCEQ deny issuing the registration.

**RESPONSE 9:**

The Applicant is required to operate in compliance with the Texas Water Code, TCEQ's rules, and the terms of the registration. A registration is issued if the application meets all administrative and technical requirements and the ED has concluded that those requirements have been met.

In response to public comment, the Executive Director approved a more stringent Agronomic Management Plan that the Applicant must follow. The plan outlines the management of the Bermuda grass prior to land application and after the grass is established. Additionally, the plan provides that the septage be completely incorporated into the soil profile and requires a soil cover during conditions when the cover vegetation is dormant, or when the Applicant is attempting to establish cover vegetation. The plan is more stringent than 30 TAC, Chapter 312 rules because it does not give the Applicant the option to reduce buffer zones to surface water if the septage is incorporated into the soil profile as allowed by the rules. The site acreage was decreased from 45.3 acres to 40 acres to incorporate the buffer zone requirements outlined in the Agronomic Management Plan.

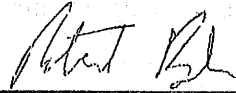
Respectfully submitted,

Texas Commission on Environmental Quality

Glen Shankle

Executive Director

Robert Martinez, Director  
Environmental Law Division



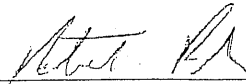
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Robert D. Brush, Staff Attorney  
Environmental Law Division  
State Bar No. 00788772

Representing the EXECUTIVE DIRECTOR of the  
Texas Commission on Environmental Quality

CERTIFICATE OF SERVICE

I certify that on February 16, 2007 the "Executive Director's Response to Public Comments (Filed 2/16/07)" for Registration No. 710896 was filed with the Texas Commission on Environmental Quality's Office of Chief Clerk.



Robert D. Brush, Staff Attorney

Environmental Law Division

State Bar No. 00788772

OFFICE OF THE  
CHIEF CLERK  
FEB 16 2007





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087  
Austin, Texas 78711-3087

## DOMESTIC SEPTAGE REGISTRATION

I. REGISTRATION NO. 710896

II. Sludge Registration Issued to:

Site Operator and Landowner  
Gustavo Hernandez Ortega  
P.O. Box 1959  
Quinlan, Texas 75474

III. Sludge Site:

Domestic septage will be beneficially land applied on 40 acres located within an approximate 55.1 acres. This site is located on a private road south of County Road 3209, approximately 3,500 feet southeast of the intersection of Farm-to-Market Road 513 and County Road 3209 and approximately 5.2 miles north of the intersection of Farm-to-Market Road 513 and U.S. Highway 69 in Hunt County, Texas (see Attachment A).

IV. Authorization: Domestic septage

This registration and the authorization contained herein will expire at midnight, five years from the date issued.

DATE ISSUED: **MAR 05 2007**

A handwritten signature in black ink, appearing to be "R. M. M.", written over a horizontal line.

For the Commission

**V. Standard Provisions****A. Limitations:**

1. Domestic septage cannot be applied in excess of the maximum septage application rate based on crop nitrogen needs (i.e., the agronomic rate), which is calculated based on the total amount of nitrogen in the septage to be applied and in the soils at the application site and on the nitrogen requirements of the vegetation in the application area.
2. The maximum domestic septage application rate must be calculated using Appendix A of the "Application to Register a Site for the Beneficial Use of Domestic Septage."
3. Pathogen reductions and vector attraction reduction must be met, as per 30 TAC 312.82(c) and 312.83(b)(9), (10) or (12) respectively, for any septage applied.
4. Domestic septage can be applied only to the application area shown on Attachment B.
5. The registrant is authorized to accept domestic septage only.

**B. Operation Requirements:**

The operation and maintenance of this land application site must be in accordance with 30 TAC Chapter 312 and Title 40 of the Code of Federal Regulations (40 CFR) Part 503 as they relate to land application for beneficial use. All applicable local and county ordinances must also be followed.

**C. Reporting Requirements:**

An annual report is required to be submitted to document the use of the site. The report must include the following information and in an organized format:

1. Site registration number, and the location (address or latitude/longitude) of the site.
2. Total number of acres where domestic septage applications occurred.
3. Date and time of each domestic septage application.
4. The annual nitrogen requirement for each crop or the vegetation grown at the site.
5. Rate of domestic septage application (gallons/acre/year).
6. The certification statement in 30 TAC 312.47(b)(6).

7. A description of how the pathogen requirements in 30 TAC 312.82(c)(1) and (2) were met.
8. A description of how the vector attraction requirements in 30 TAC 312.83(b)(9), (10) or (12) were met.
9. Soil test reports, as per Section V.G., Soil Sampling

The Annual Report must be submitted by September 30th of each year per 30 TAC 312.48 which includes all required information above for a period covering September 1 of the previous year through August 31 of the current year. Additionally an "Annual Sludge Summary Report Form" (**Attachment C**) should be filled out and submitted with the annual report. Submit your report to the Water Quality Division, Land Application Team (MC 148) and the TCEQ Regional Office (MC Region 4). Record retention requirements must be followed in accordance with 30 TAC 312.47(b) for domestic septage.

**D. Regulated Management Conditions:**

1. Domestic septage applications must not cause or contribute to the harm of a threatened or endangered species of plant, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of a threatened or endangered species.
2. Domestic septage must not be applied to land that is flooded, frozen or snow-covered.
3. Domestic septage applied to the land must maintain the following buffer zones for each application area:

a.	Established school, institution, business or residence	750 feet
b.	Public water supply well, intake, public water supply spring or similar source, public water treatment plant, or public water supply elevated or ground storage tank	500 feet
c.	Solution channels, sinkholes, or other conduits to groundwater	200 feet
d.	Waters in the State of Texas	200 feet
e.	Private water supply well	150 feet
f.	Public right of way	50 feet
g.	Property boundary	50 feet
h.	Irrigation conveyance canals	10 feet

4. Domestic septage must be applied to the land at an annual application rate that is equal to or less than the agronomic rate for the vegetation in the area on which the material is applied.
5. Septage cannot be applied to soils with permeation rates greater than twenty inches per hour.
6. For soils with permeability greater than 2 inches per hour and less than 20 inches per hour, the land application of domestic septage is prohibited if the soil is saturated or groundwater is present within a depth of 4 feet of the treatment zone as demonstrated through the determination of presence or absence of the perched or apparent water table. Records of monitoring data shall be maintained per 30 TAC §312.47. In the absence of groundwater monitoring, land application is prohibited during months that the most recently published soil survey data indicate that a perched or apparent water table may be present within 4 feet of the treatment zone.
7. For soils with permeability less than 2 inches per hour, the land application of domestic septage is prohibited if the soil is saturated or groundwater is present within a depth of 3 feet of the treatment zone as demonstrated through the determination of presence or absence of the perched or apparent water table. Records of monitoring data shall be maintained per 30 TAC §312.47. In the absence of groundwater monitoring, land application is prohibited during months that the most recently published soil survey data indicate that a perched or apparent water table may be present within 3 feet of the treatment zone.
8. Land application of domestic septage must not occur when the soil is water saturated as evidenced by visible pooling of water. Regulatory support for this condition can be found at 30 TAC 312.44(i)(3).
9. Domestic septage must be applied by a method and under conditions that prevent runoff beyond the active application area and that protect the quality of the surface water and the soils in the unsaturated zone. In addition, the following conditions must be met:
  - a. Domestic septage must be applied uniformly over the surface of the land.
  - b. Domestic septage must not be applied to areas where permeable surface soils are less than 2 feet thick.
  - c. Domestic septage must not be applied during rainstorms or during periods in which surface soils are water-saturated.
  - d. Domestic septage must not be applied to any areas having a slope in excess of 8%.

- e. Where runoff from the active application area is evident, the operator must cease further domestic septage application until the condition is corrected.
- 10. The site operator must prevent public health nuisances. Domestic septage debris must be prevented from leaving the site. Where nuisance conditions exist, the operator must eliminate the nuisance as soon as possible.
- 11. Domestic septage application practices must not allow uncontrolled public access, so as to protect the public from potential health and safety hazards at the site.

**E. Pathogen Control:**

- 1. Domestic septage applied to the site must have a pH raised to 12 or higher by alkali addition and, without the addition of more alkali, remain at 12 or higher for a period of at least 30 minutes. **Records that demonstrate these conditions for each load of domestic septage must be maintained at this site for five (5) years.** If the alkali addition occurs in a transport vehicle, the records must also be maintained in the vehicle for one (1) month and at the offices of the transporter's company for five (5) years.
- 2. In addition to controlling pathogens, the following site restrictions must be met:
  - 1. Food crops with harvested parts totally above the land surface in areas where domestic septage has been applied must not be harvested from the land for at least 14 months after the last application of domestic septage if any of the harvested parts contact the domestic septage or soil.
  - 2. Food crops with harvested parts below the surface of the land must not be harvested from the land for at least 20 months after application of domestic septage when the material remains on the land surface for four months or longer prior to incorporation into the soil.
  - 3. Food crops with harvested parts below the surface of the land must not be harvested for at least 38 months after application of domestic septage when the material remains on the land surface for less than four months prior to the incorporation into the soil.
  - 4. Food crops (when grown and harvested in a manner that prevents any part of the crop from contacting the soil or domestic septage), feed crops, and fiber crops must not be harvested for at least 30 days after application of domestic septage.
  - 5. Animals must not be allowed to graze on the land for at least 30 days after application of domestic septage.

6. Public access to land with a high potential for public exposure must be restricted for at least one year after application of domestic septage.
7. Public access to land with a low potential for public exposure must be restricted for at least 30 days after application of the domestic septage.

**F. Vector Attraction Reduction Requirement:**

Domestic septage must demonstrate vector attraction compliance by meeting one of the following compliance alternatives:

1. Alkali addition is a compliance alternative [30 TAC 312.83(b)(6)]. If this option is selected, the pH of the domestic septage must be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes.
2. Domestic septage may be injected below the surface of the land [30 TAC 312.83(b)(10)]. If this alternative is used, no significant amount of the domestic septage can be present on the land surface within one hour after injection.
3. Incorporation into the soil is another compliance alternative [30 TAC 312.83(b)(10)]. If this option is used, domestic septage applied to the surface must be incorporated into the soil within six hours after application to the surface of the land.

**G. Soil Sampling:**

**The registrant is required to notify the local TCEQ Regional Office 48 hours prior to taking annual soil samples at the registered site.**

The registrant must monitor the soil-septage mixture for the site as follows using soil sampling requirements described in 30 TAC §312.12(b)(1)(I) and (J):

	PARAMETER	NOTE	FREQUENCY	SAMPLE DEPTH	
				0"-6"	6"-24"
1.	Nitrate Nitrogen ( $\text{NO}_3\text{-N}$ )		1 per year	X	X
2.	Ammonia Nitrogen ( $\text{NH}_4\text{-N}$ )		1 per year	X	X
3.	Total Nitrogen (TKN)	1	1 per year	X	X
4.	Phosphorus (plant available)	2	1 per year	X	X
5.	Potassium (plant available)	2	1 per year	X	X
6.	Sodium (plant available, mg/kg)	2	1 per year	X	X

7.	Magnesium (plant available, mg/kg)	2	1 per year	X	X
8.	Calcium (plant available, mg/kg)	2	1 per year	X	X
9.	Electrical Conductivity	3	1 per year	X	X
10.	Soil Water pH (S.U.)	4	1 per year	X	X
11.	Total Arsenic (mg/kg)	*	1 per 5 years	X	NA
12.	Total Cadmium (mg/kg)	*	1 per 5 years	X	NA
13.	Total Chromium (mg/kg)	*	1 per 5 years	X	NA
14.	Total Copper (mg/kg)	*	1 per 5 years	X	NA
15.	Total Lead (mg/kg)	*	1 per 5 years	X	NA
16.	Total Mercury (mg/kg)	*	1 per 5 years	X	NA
17.	Total Molybdenum (mg/kg)	*	1 per 5 years	X	NA
18.	Total Nickel (mg/kg)	*	1 per 5 years	X	NA
19.	Total Selenium (mg/kg)	*	1 per 5 years	X	NA
20.	Total Zinc (mg/kg)	*	1 per 5 years	X	NA

1. Determined by Kjeldahl digestion or an equivalent accepted procedure. Methods that rely on Mercury as a catalyst are not acceptable.
2. Mehlich III plant available.
3. Electrical Conductivity (EC) - determine from extract of 2:1 (volume/volume) water/soil mixture.
4. Soil pH must be analyzed by the electrometric method in "Test Methods for Evaluating Solid Waste," EPA SW-846, 40 CFR 260.11; method 9045C.

\* Analysis for metals in soil must be performed according to methods outlined in "Test Methods for Evaluating Solid Waste," EPA SW-846; method 3050.

## VI. Special Provisions:

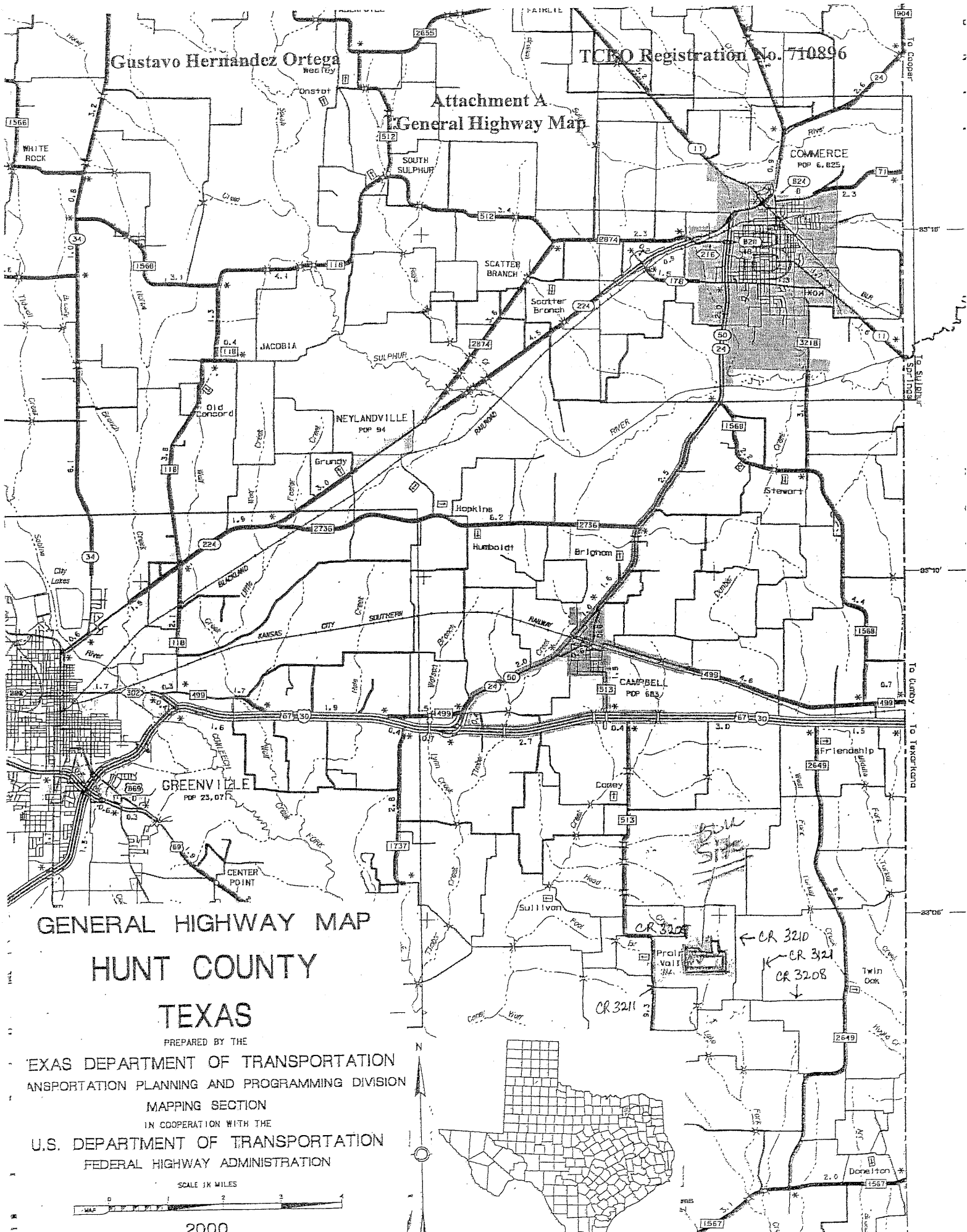
- A. Annual domestic septage application rate shall not exceed 68,077 gallons/acre/year at this site.
- B. The Applicant is required to follow the Agronomic Management Plan approved by the Water Quality Assessments Team on October 5, 2006. The plan is to be kept on file for the term of the registration.



Gustavo Hernandez Ortega

TCEQ Registration No. 710896

Attachment A  
General Highway Map



GENERAL HIGHWAY MAP  
HUNT COUNTY  
TEXAS

PREPARED BY THE

TEXAS DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION PLANNING AND PROGRAMMING DIVISION  
MAPPING SECTION

IN COOPERATION WITH THE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

SCALE IN MILES

2000

— Property  
— Boundary  
— BLN Site  
— Buffer  
— 501  
— 500  
— 500

B. No private water supply well within 150' of property or on property

C. No subject conveyance easen or within 10' of property

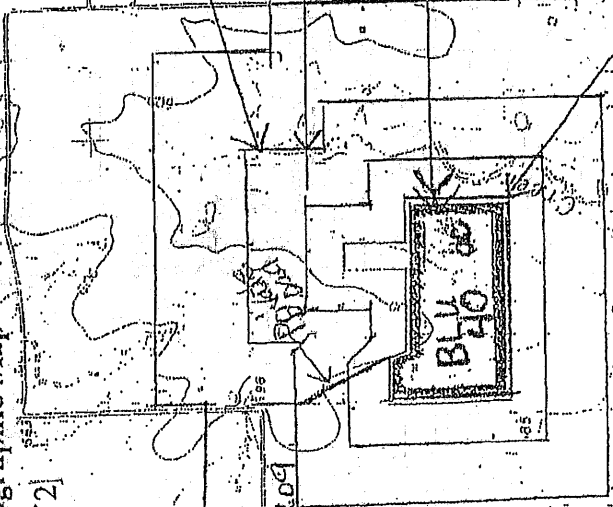
C. No public water on or within 500' of property

1150' Buffer Not required - None of conditions listed apply

50' Buffer

11500' Buffer - No structures, residences churches, etc.

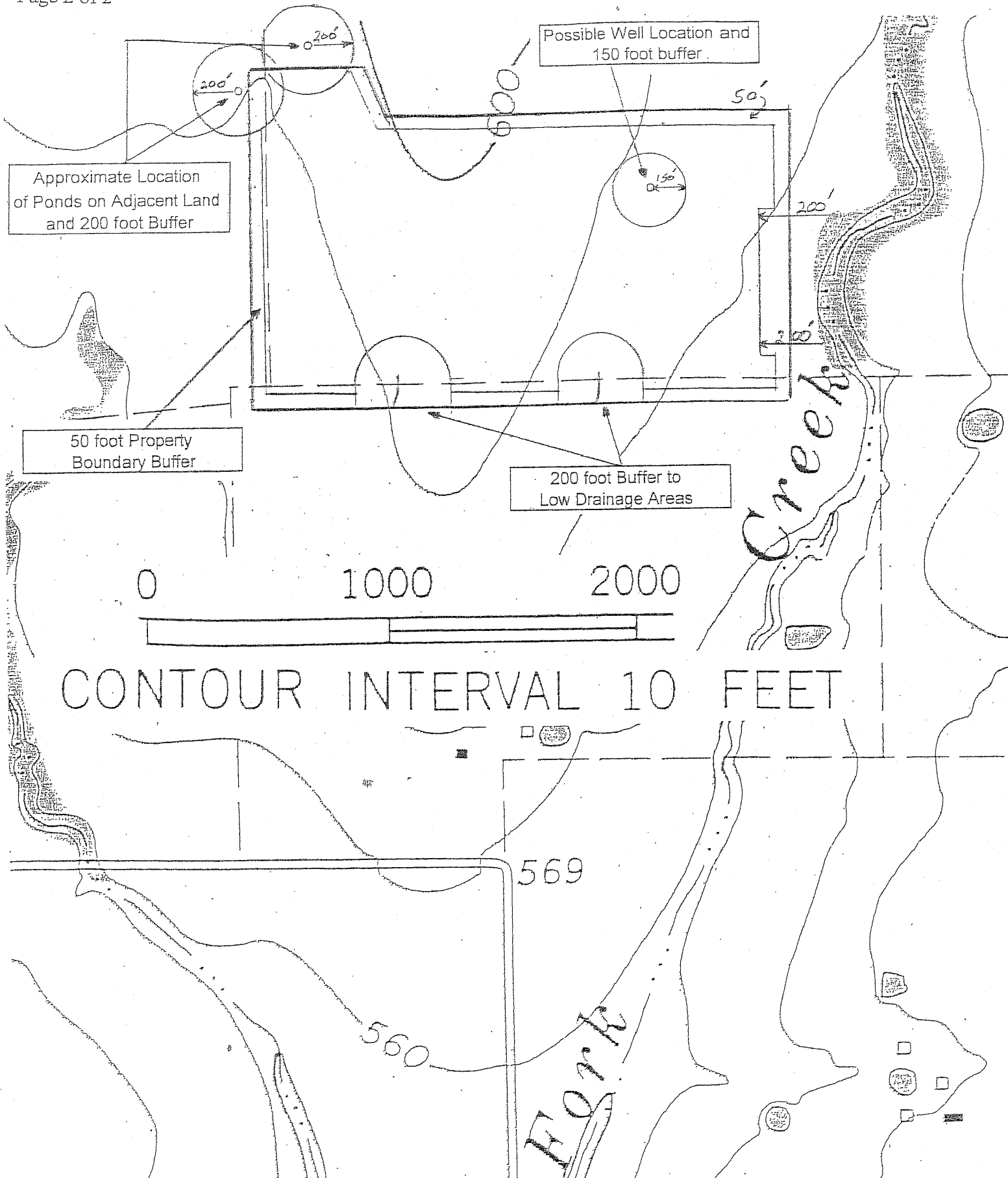
Property Boundary



SCALE 1:24000



CONTOUR INTERVAL 10 FEET







Attachment C

**Annual Sludge Summary Report Form  
(Domestic Septage Only)**

- Note 1: Please note that in addition to this summary form, you need submit the information required per 30 TAC 312.48.  
Note 2: Please place this form at the top of your Annual Sludge Report.  
Note 3: If you operate other registered/permitted site, then fill-out this form for each one of those sites.  
Note 4: Also send one complete copy of your report and this form to local TCEQ regional office.

For TCEQ Fiscal year \_\_\_\_\_ : Reporting period from September 1, \_\_\_\_\_, August 31, \_\_\_\_\_.

<b>REGISTRATION NO.:</b> _____	<b>DATE:</b> _____
<b>NAME OF REGISTRANT :</b> _____	
<b>MAILING ADDRESS:</b> _____ _____	
<b>CONTACT PERSON:</b>	Name: _____ Telephone No: _____

- a. Treated Domestic Septage: Land Applied: \_\_\_\_\_ gallons / year
- b. Acreage used for Sludge Application/disposal at this site: \_\_\_\_\_ acres
- c. Site Vegetation (such as grass type etc) and # of cuttings: \_\_\_\_\_
- d. Description of the process used to achieve pathogen requirements in 30 TAC §312.82 (c):  
\_\_\_\_\_
- e. Description of the process used to meet the vector attraction reduction requirements in 30 TAC §312.83(b)(9),(10), or (12): \_\_\_\_\_
- f. Have you enclosed the certification statement? Yes \_\_\_\_\_ No \_\_\_\_\_
- g. Have you enclosed dates of septage land application to this site? Yes \_\_\_\_\_ No \_\_\_\_\_
- h. Have you enclosed the recent soil-septage analysis? Yes \_\_\_\_\_ No \_\_\_\_\_

PLEASE MAIL THE COMPLETED ANNUAL REPORT TO :

Texas Commission on Environmental Quality  
Land Application Team ( M/C 148)  
Wastewater Permitting Section  
P.O. Box 13087  
Austin, TX 78711-3087

